



**STATE OF NEW JERSEY
DEPARTMENT OF ENVIRONMENTAL
PROTECTION
GREEN ACRES**

**POLICY AND PROCEDURES
ADDENDUM TO
SCOPE OF SURVEY SERVICES**

July 2013

This document is intended to provide supplemental guidance to use of the July 2013 Scope of Survey Services issued by the Green Acres Program of the State of New Jersey Department of Environmental Protection.

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GREEN ACRES SURVEY REVIEW (PURPOSE)

The purpose of the Green Acres Survey review is to provide oversight in four specific areas:

- A) **RULE REQUIREMENTS:** Review of land survey documents for required statements critical to the utility of the documents for acquisition and participation purposes regarding laws, rules, and/or contract specifications.
- To define and establish the nature and extent of Green Acres participation and tangible interest in real property being acquired for open space and recreational purposes
 - By virtue of funding participation in the land and the potential for reimbursement of technical costs, additional emphasis is placed on Green Acres contractual requirements and format, as additional ultimate users of the Green Acres survey plan.
- B) **TITLE:** Review for title issues identified as a result of conducting the land survey, such as
- Record deed overlaps
 - Record gores
 - Adverse use by adjoining owners
 - Identification of conflicting or competing uses for ultimate or intended use of land
 - The guidance of the technical documents to effectuate the acquisition
- C) **POLICY AND STEWARDSHIP:** Review for Green Acres policy and stewardship issues, identified as a result of conducting the land survey, such as:
- The need to patrol, manage, and administer the land in perpetuity, including the establishment of limit lines or buffers
 - Exclusion of funding from problem areas
 - Designation of certain corner and line marking requirements
 - Guidance in the production of technical documents to effectuation the acquisition
- D) **COURTESY RECOMMENDATIONS:** Review of land survey documents for secondary land survey issues of a discretionary nature and not absolutely critical to utility of the documents regarding presentation of data, such as
- Clarity of data presentation in the selection of scale, line weights, or detail
 - Minor errors not affecting the validity of title transfer or ability to determine Green Acres participation
 - Minor omissions
 - Misspellings or typographical errors
 - Rounding errors associated with significant figures that do not lead to misappropriation of public funds
 - Other presentation issues in the common practice of land surveying in New Jersey
 - Common sense

Principles Guiding the Survey Review

- 1) The Green Acres Program is an ultimate user of the survey plan, no matter who awards the contract to the New Jersey licensed land surveyor preparing the survey documents for the acquisition.
- 2) Survey deliverables must be accepted by the Green Acres Program in order before being considered as Green Acres approved.
- 3) All deliverables must comply with rules and regulations issued by the New Jersey State Board of Professional Engineers and Land Surveyors. Therefore the Green Acres Program considers each initial survey drawing and description submitted for review as preliminary in nature if not in such compliance.
- 4) As a courtesy to the surveying licensee, any deficiencies related to rules and regulations of the State Board of Professional Engineers and Land Surveyors will be brought to the attention of the surveyor by Green Acres survey review staff for voluntary remedy.
- 5) Violations of the rules and regulations of the State Board of Professional Engineers and Land Surveyors not remedied voluntarily shall be brought to the attention of the surveyor's client prior to referral of the surveyor to the State Board.
- 6) As an option to facilitate the final review process, Green Acres may offer to review an actual advance or check print of survey documents with the goal of eliminating any potential issues prior to issuance and distribution of a full set of contract deliverables. Only one such courtesy advance review is offered for a project. This advance review is meant to assist inexperienced surveyors who have not previously submitted any work to Green Acres and are unfamiliar with Green Acres requirements, and to assist all surveyors involved in complex projects that include partial acquisitions, a mix of Green Acres, SADC, and/or EIFP areas, diversions, or other out-of-the-ordinary circumstances. For such advance reviews, Green Acres must receive one set of survey plans, one set of descriptions, a DXF file in the appropriate datum, and a completed Surveyor's Certification and Summary Form.
- 7) To facilitate approval of survey deliverables, Green Acres may elect to prepare or modify the metes and bounds description submitted by the surveyor for the area of Green Acres funding, participation or encumbrance, rather than directing the surveyor to rewrite the description. When a description submitted by a surveyor is modified by Green Acres, the letterhead and signature information is removed so that it becomes a document issued by Green Acres.
- 8) Reviews that reveal substantive deficiencies in meeting survey requirements, the existence of survey blunders, or violations of State Board rules allows Green Acres to make additional requests for refinements of the plan or description relative to any issue. These additional changes may address the presentation of data, plan clarity, minor errors or omissions, spelling or typographical errors, minor significant figure rounding errors, or issues in the common practice of land surveying in New Jersey.

Survey Reviews for Local Unit and Nonprofit Projects

- 1) Green Acres strives to approve documents as presented by local units or nonprofits, provided that the plans and descriptions are generally suitable for the intended acquisitions relative to Green Acres' policy and practices and do not contain violations of the rules of the State Board of Professional Engineers and Land Surveyors. Minor inconsequential deficiencies such as presentation of data, plan

clarity, minor errors or omissions, spelling or typographical errors, minor significant figure rounding errors, or issue in the common practice of land surveying in New Jersey or common sense may be overlooked, provided that the area of Green Acres participation is clearly and correctly delineated and described.

- 2) Communications regarding the review of surveys and descriptions submitted by local units or nonprofits for Green Acres Local Assistance shall be primarily between the Green Acres Project Manager and the local units or nonprofits, unless the applicant requests direct communication with the State Review Surveyor.
- 3) Outside land survey vendors may directly contact Green Acres Survey Review Staff for advice on how to address specific concerns or for advice on survey questions related to the specific project.

Survey Reviews for State Acquisition Projects

- 1) Communications regarding the review of surveys and descriptions submitted for areas where the State will acquire a tangible interest as purchaser or as acquisition partner shall be primarily between the State Review Surveyor and the surveyor preparing the acquisition survey documents.
- 2) State acquisition survey plans shall be examined for all aspects of the contract, including presentation of data, plan clarity, minor errors or omissions, spelling or typographical errors, minor significant figure rounding errors, or issues in the common practice of land surveying in New Jersey.

Survey Review Process

- 1) The Green Acres Project manager is responsible for the flow of work between the Local Unit and the Green Acres Survey Review Section for all county, municipal, and nonprofit surveys.
- 2) The Green Acres Project manager is responsible for the flow of work between the Survey Contract Section and the Survey Review Section for all State land acquisition surveys.

TOPOGRAPHIC SURVEYS

When topographic surveys are specifically requested as part of any site-specific engagement, the topographic surveys, as a minimum, will be performed using conventional or GPS leveling methods that shall provide similar positional accuracy that would meet or exceed the former Federal Standard for Third Order, Class I accuracy for published NGVD 1988. The contour interval shown on any plans shall be ten (10) feet unless the site-specific engagement specifies an alternate interval. Unstable spot elevations on ground positions must be stated in feet to one decimal place (0.1'), and stable positions such as on monuments or concrete must be stated in feet to two decimal places (0.01'), unless the specifications and guidelines being furnished with the detail sheet for a site-specific engagement request specifies an alternative increment.

Vertical relief will be shown with the source of information (e.g. ground survey or aerial map), contour interval, datum, and originating benchmark identified.

FRESHWATER WETLANDS SURVEY SERVICES

When work involving wetlands is specifically requested, it shall be one of two types identified at the time that price quotes are solicited for a site-specific engagement: SHOW WETLANDS or DELINEATE WETLANDS.

SHOW FRESHWATER WETLANDS

Site-specific engagements requesting that the wetlands be shown on the final plan of survey requires that the New Jersey licensed Professional Land Surveyor obtain copies of the appropriate New Jersey Freshwater Wetlands map for the area from the office of the county recorder or clerk. The upland limit line for those areas coded "01" on the Wetlands map must be reproduced, and an approximate estimate of wetlands area in acres on the plan must be derived to one decimal place (0.1 acre). The upland limit lines may be digitized or mechanically reproduced. The areas may be derived from the digitizing process or by planimeter, provided that the duplicated line is within 0.5 percent accuracy of the depiction of that upland limit line on the original source material. The mapped or digital source of upland limit line information must be provided (title of data or map, date, preparer, etc.).

FRESHWATER WETLANDS DELINEATION SURVEY

Site-specific engagements requesting that the wetlands be surveyed, delineated, or field investigated requires that the New Jersey licensed Professional Land Surveyor engage an environmentalist, acceptable to NJDEP, who is proficient in New Jersey freshwater wetlands investigations. The environmentalist shall delineate the wetland areas in the field in accordance with adopted wetlands criteria in New Jersey. The New Jersey licensed Professional

Land Surveyor shall field-locate each marked position, add the wetlands areas to the survey plan, provide areas in acres to two decimal places (0.01 acre), and label the wetlands area on the survey. Additionally, the wetlands buffer areas of 50 feet, 100 feet, or 150 feet as indicated by the environmentalist must be shown on the survey, with buffer areas calculated to two decimal places (0.01 acre).

The survey plan shall contain a Wetlands Delineation Information block that includes the environmental firm's name, street and mailing addresses, telephone and fax numbers, and company Email address. The Wetlands Delineation Information block shall be signed and signed by the individual environmentalist responsible for the delineation. The date of the delineation and for whom it was prepared must appear in the Wetlands Delineation block on the survey. The environmentalist shall provide an original signature in the Wetlands Delineation Information block on the original survey plan and on each paper copy or print made. Other specifications and guidelines, if any are needed, shall be furnished at the time a wetlands delineation is requested as part of a site-specific engagement. Use Sample Form 1 – Wetlands Delineation Information, included here and in the general Scope of Survey Services.

The following Sample Wetlands Delineation Information block is for use in the event of an actual Wetlands delineation on the surveyed property made as part of a site-specific engagement for the using agency. When applicable, the following information shall be provided substantially in accordance with this format:

| WETLANDS DELINEATION INFORMATION | |
|----------------------------------|----------------------------------|
| ENVIRONMENTALIST: | _____ (individual name) _____ |
| ORGANIZATION: | _____ (organization name) _____ |
| ADDRESS: | _____ (address) _____ _____ |
| PHONE: | _____ (area code & number) _____ |
| FAX: | _____ area code & number _____ |
| EMAIL: | _____ |
| DELINEATION PREPARED FOR: | _____ |
| DATE OF DELINEATION: | _____ |
| Signature of Environmentalist | Date Signed |

ENVIRONMENTAL INFRASTRUCTURE FUNDING PROGRAM (EIFP) SURVEYS

Local/Nonprofit lands purchased with support from the Environment Infrastructure Funding Program (EIFP) are subject to Green Acres review to assure that there are no uses contradictory to passive open space. These properties are to be free of any encroachments, structures, or encumbrances, including easements of any kind, whether on, above, or below the earth's surface. The area of a project that is funded through the EIFP is subject to Environmental Infrastructure Trust (EIT) restrictions, requiring the land to be maintained in its natural state in perpetuity to provide a water quality benefit.

EIT restrictions represent an additional condition placed on land, as an overlay to Green Acres interests, which may encumber a greater area than the EIT restricted area. Therefore, in preparing metes and bounds descriptions for projects that encompass EIT restricted areas, the surveyor must prepare a separate, stand-alone description for the land being acquired through the EIFP. Limits of EIT restricted areas must be marked in the ground by concrete monuments. Line markers are not required along the perimeter of EIT restricted areas, except if these happen to coincide with outer boundaries of the overall acquisition site that are subject to such requirements.

PUBLIC ROAD RIGHTS-OF-WAY AND RIVERS

The principles of dedication of land for road purposes shall be considered by the Contractor. The survey lines and corresponding metes and bounds description are to run with the lines of the deed description as written in the record unless the site-specific engagement request directs some other course of action. If the fee title extends to the center of a public road or river, the survey lines shall run to the center of the public road or river. If the public road involved is held in fee by the State and/or any of its political subdivisions, deed lines shall not run to the center of the road.

When a surveyed property is to be acquired in fee, it will be SUBJECT TO THE PARAMOUNT RIGHTS OF THE PUBLIC, with area(s) of those public rights stated. When the property is surveyed for the purpose of obtaining an easement, the area of easement shall not extend into public road rights-of-way, but shall extend into the river or watercourse. The survey must also provide the bearings and distances of the road right-of-way sidelines, as well as any area within the public right-of-way. If there has been no dedication information found, or the tax map (which is a document of last resort) does not define the width for the sidelines of the right-of-way, the area of the right-of-way is defined as the area of the paved or traveled portion of the road bed. The survey must indicate recording information for maps, deed book number and page number, or other pertinent information regarding the dedication of public ways. The area in a public road right-of-way or a navigable river is subject to the paramount rights of the public and also possible private rights. The area of each shall be stated on both the plan

and in the description, and is deducted from any net area of Green Acres encumbrance stated for the lot.

PRIVATE RIGHTS-OF-WAY AND EASEMENTS

Private rights-of-way and easements for roads crossing the parcel being surveyed must also be shown with record or physical width provided. If record information exists regarding the creation and dimensions of private rights in the project area, that information is to be provided. Only if no record data as to location and width exists shall the physical location and width of the use by any individual or entity other than the record owner suffice. The survey must indicate recording information for maps, deed book and page number, or other pertinent information regarding the creation of the private easements. Calculation of the area of private easements is not required on the plan or in the description. The new metes and bound description may generally refer to the easement rights in a qualifying clause, i.e. SUBJECT TO, without actually describing the easement by metes and bounds.

GREEN ACRES AS AN ULTIMATE USER OF SURVEYS

Properties purchased with Green Acres Program funding subjects those parcels to restrictions and covenants to assure their status for conservation or outdoor recreation or open space. Thus, Green Acres is also an Ultimate User for surveys of properties for county governments, municipal governments, or not-for-profit organizations as well as for surveys made directly for this agency's State Land Acquisition Bureau.

Green Acres' interests in the surveyed lands entitle it to require formats and additional information consistent with its needs and practices, which exceed minimum technical criteria established by the State Board of Professional Engineers and Surveyors' regulations established for surveys and descriptions produced in this state. Green Acres has posted its Standard Scope of Survey Work for Land Surveys and Property Descriptions on its website. Land surveys prepared for acquisitions for state parks, wildlife management areas, or cooperative efforts that will include state acquisition funds additionally must conform to these standards.

EIFP PARTICIPATION

The Environmental Infrastructure Funding Program (EIFP) is a supplemental funding program that seeks to preserve land that provides a "water quality benefit". Parcels eligible for Green Acres EIFP funding participation are subject to stringent use restrictions both present and future. The property must be free and clear of any easements or adverse use or encroachment by adjoining at the time of acquisition and

funding, and the site itself must be free of improvements. Future use of the property must leave the land in this fee simple absolute and undisturbed state. Therefore no structures or paving or improved active recreation are permitted for future site development on parcels with EIFP restrictions.

DETERMINING ENCUMBERED AREA

Green Acres' policy is to avoid funding of areas already subject to the rights of the public or to uses inconsistent with conservation, outdoor recreation purposes, park land, or open space preservation. Therefore, funding is not available for areas within public rights-of-way, deed overlap areas, or other areas where the local unit will not be obtaining insurable or marketable title. Such areas must be identified separately as line items in the Area Summary in the Legend of Acquisition and subtracted from the total surveyed acreage to yield the net Green Acres encumbrance for a site. Additionally, areas that overlap adjoining deeds and areas of unknown ownership such as gores are not eligible for Green Acres participation and encumbrance, although these areas can be included in the deed as quit claimed from seller to purchaser to minimize future claims to such areas.

Where project parcels adjoin a road with substandard right-of-way width, a buffer area is to be excluded from the participation area to prevent a future diversion from parkland issue. Such buffer areas need not be labeled "for future road widening", as this may be construed as an offer of a road dedication. However, they shall be labeled as exceptions to the Green Acres encumbrance area. The same is true for areas of encroachment where the client wishes to have the flexibility to settle boundary issues by selling these areas in fee or easement to the encroaching adjoiner.

Power line rights-of-way and easements may be encumbered for outdoor recreation and conservation purposes, and are not deducted from the area encumbered by Green Acres. Such easements are considered in the overall appraisal of the premises and the seller is compensated for that area. Such easements and rights-of-way are therefore not part of the "area in right of way" in the Legend of Acquisition and Area Summary tables, as those lines refer to roads (for which such area is deducted from Green Acres encumbrance).

SURVEY CERTIFICATIONS

Surveys shall be certified only to those parties having a tangible interest in the property. Attorneys for the parties involved in the transaction do not have a tangible interest and are not to be listed in certifications. Buyers, sellers, title insurers, and lending institutions do have tangible interests and may be included in the certification. Green Acres, as an

entity providing funding for the acquisition and encumbering the property as a condition of that funding, is a party having interest and therefore must be included in the certification.

PROPERTY CORNER MARKERS

Green Acres' contracts establish that corner markers must be set at the limits of a project area (one or more tax lots) where the same adjoins lands of others. However, corner markers are not to be set on corners that are:

- a. internal to the project area, common with other lands of the grantee taking title to the land (such as other lands owned by the purchasing agency) or
- b. along a public road right-of-way, except where the external lines of the project area intersect the right-of-way line of the public road.

MONUMENTATION IN GENERAL

1. Property corner markers and line markers shall be shown on the survey plans as "found" or "set". Markers shall not be shown as "to be set". Funding will not be approved for sites for which markers included in the contract are not yet set. Property corner markers shall be referenced as "found" or "set" in written descriptions prepared by the land surveyor. Markers shall not be referenced as "to be set".
2. When property markers are found or set in the field, they shall be included in the written description prepared by the land surveyor. Descriptions shall not run "to a point" when a physical marker exists. Markers passed over by a property line shall also be referenced as being so many feet from the beginning or terminus of the relevant description course.

OVERLAPS AND GORES

As a result of research and field observations, the survey may uncover areas of clouded title or ambiguities such as deed gores, deed overlaps and areas left unclear as to ownership. Although the surveyor may be able to render a professional opinion as to how a deed problem was created, the surveyor is only responsible to show on the plan of survey the record condition as it now exists. Areas of confusion are to be located by bearings and distances and the area is to be clearly stated. The plat of a parcel being acquired must show the total area surveyed, subject to an area of confusion with an adjoining area for which the tax lot and block numbers are given. Any "Apparent Deed Gore", Deed Overlap, "Clouded Title Area" or "Encroachment Area" shall be labeled on the plats of all adjoiners as an area of confusion being surveyed, and defined by bearings, distances, and area.

The description of property may be written to include such areas, in which case the description shall provide a qualifying clause “subject to” such area, or the using agency may require that a separate metes and bounds description be prepared. Apparent gore areas found to exist as a result of the survey shall always be described by a separate metes and bounds description to provide the using agency the opportunity to obtain a quit claim deed.

A) OVERLAPS

Green Acres generally does not fund areas of clouded title. Areas of overlapping title can be handled in two ways:

1. Include the overlap area in the overall description of the property surveyed and understand that Green Acres will not fund it. The description will be “subject to” the described area of overlap in such instances.
2. Exclude the overlap area from the property being funded by Green Acres with a metes and bounds description that does not include it, but separately describe the overlap area. After closing, the property owner can use this described overlap area to quit claim the property to an adjoiner who is adversely using the land.

B) GORES

Green Acres generally does not fund areas of unknown title. Areas of apparent title gore between adjoining ownership may be resolved by obtaining a quit claim deed to the gore area from all adjoining parties.

DEEDS RUNNING TO CENTERLINE OF PUBLIC ROAD RIGHTS-OF-WAY

1. Green Acres generally does not fund the area within public rights-of-way. If the fee title for a proposed acquisition extends to the center of a public road, the survey lines shall run to the center of the public road to properly extinguish all rights that the seller may have in the public right-of-way. Descriptions and surveys of properties that run to the centerline of public roads shall provide the bearings and distances of the right-of-way sidelines, as well as the area of the public right-of-way. They shall also note that the properties are subject to the paramount rights of the public and possible private rights; the area within road rights-of-way shall be stated as a separate item on both the plat and in the description. If there has been no dedication to define the sidelines of the right-of-way, the area of the right-of-way is defined as the area of the paved or traveled portion of the roadbed. This section does not apply to private roads crossing the parcel being surveyed, which also must also be shown.
2. The survey must indicate recording information for maps, deed book number and page number, or other pertinent information regarding the dedication of public ways or private easements. The surveyor is cautioned that a reference to a Green Acres Participation or Encumbrance buffer strip adjoining a public right-of-way labeled for “future road purposes” may be construed as an offer of

dedication that is irrevocable on the part of the owner. It is suggested that the terms “participation limit line” or “buffer area” be used in order allow the using agency a greater flexibility for the future use of these areas without creating a road dedication.

VARIABLE WIDTH ROAD RIGHTS-OF-WAY

While a road width might vary, there is generally some defined width that can be determined directly in front of the acquisition parcel. The width between road right-of-way sideline and centerline shall be shown on the survey and referenced in the description provided by the land surveyor.

PAPER STREETS (LACK OF VACATION ORDINANCE)

When a property to be acquired or funded by Green Acres fronts on an unimproved or paper street, the survey and description shall run to the center of such streets. A note shall be added to the plan and description that the area between the centerline of the paper street and the right-of-way line defining the perimeter of the site in question is subject to public and/or private rights. State the area in acres to three decimal places.

WATERS AND WATERWAYS

A. Areas of Riparian Ownership Claims by the State of New Jersey

The official state maps showing riparian claims of the State of New Jersey shall be used to reproduce those claim lines on the plan of survey. These maps, entitled “Subject To Investigation for Areas Now Or Formerly Below Mean High Water”, have been filed in the office of the county recorder or clerk. The area affected by these riparian tidelands claims by the State are generally not funded for acquisition unless a Tidelands Grant has been issued, and shall be noted to the nearest tenth of an acre in the Legend of Acquisition on the survey, the Surveyor’s Certification Form, and the description of lands to be acquired.

B. Waterways Other Than Tidelands

1. Area under water must be provided for appraisal purposes, and is to be noted to the nearest tenth of an acre in the Legend of Acquisition on the Survey as well as on the Surveyor’s Certification Form. The plan must clearly state the date/time of survey, the Apparent Mean High Water, Mean Low Water or other acceptable survey terms as may be appropriate (the term trash line is neither an appropriate nor an acceptable survey term).

2. A tie line shall be provided between the beginning of the first course running along a watercourse to the terminus of the final such course. Tie lines may be eliminated from the plan when the waterline is surveyed and/or defined by mathematical survey expressions with angular units being stated in degrees, minutes and whole seconds of arc, and the horizontal distances, radii of curves or lengths of arc are stated in feet to two decimal places.
3. Areas of navigable waters, generally rivers, are deducted from Green Acres' participation, whereas areas under a stream or pond are not deducted.

CEMETERIES

Cemeteries found on the surveyed property are to be shown on the plan and their limits shown to the best of the surveyor's ability. Generally, if a cemetery is intended to be and does physically reside entirely inside the acquisition site, then the area it encompasses will be part of the Green Acres encumbrance. The Cemetery Association will be responsible for maintenance of such sites.

However, if gravesites appear to be encroachments onto a property then the area must be identified as an exception from Green Acres funding, participation, and encumbrance. In such instances, the boundaries of the encroachment area must be monumented on the ground and defined by metes and bounds in a written description and on the plan.